

**UNITED STATES DISTRICT COURT  
NEW JERSEY DISTRICT COURT  
CAMDEN**

**CASE NO.: 1:23-cv-21861**

AUGUST IMAGE, LLC,

Plaintiff,

v.

HIP HOP UNCENSORED, INC.,

Defendant,

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**

**(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff AUGUST IMAGE, LLC by and through its undersigned counsel, brings this Complaint against Defendant HIP HOP UNCENSORED, INC. for damages and injunctive relief, and in support thereof states as follows:

**SUMMARY OF THE ACTION**

1. Plaintiff August Image, LLC (“August Image”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute August Image's original copyrighted Works of authorship.

2. August Image is a unique agency model offering a boutique experience for clients worldwide. Beyond the unique creative caliber and exclusivity of August Image's photography, their deep knowledge of their collection and focus on the highest-level of customer service make August Image an exceptional visual resource. August Image is dedicated to representing an elite group of portrait, lifestyle, beauty, & fashion photographers for editorial and commercial licensing. August Image is the exclusive representative for the work of some of the most creative

and innovative contemporary photographers including Martin Schoeller, Art Streiber, Camilla Akrans, Ben Hassett, Kenneth Willards, Joe Pugliese, and many more.

3. Defendant Hip Hop Uncensored, Inc. (“Hip Hop”) is a media outlet specializing in Hip Hop Content. Since 2017, Hip Hop has provided original, unbiased content and cutting-edge interviews from artists, actors, politicians, business professionals, cultural icons, and political figures. At all times relevant herein, Hip Hop owned and operated the internet website located at the URL <https://hiphopun.com/> (the “HH Website”).

4. August Image alleges that Defendant copied August Image’s copyrighted Works from the internet to advertise, market and promote its business activities. Hip Hop committed the violations alleged in connection with its business for purposes of advertising and promoting sales to the public in the course and scope of the Hip Hop's business.

### **JURISDICTION AND VENUE**

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in New Jersey.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Hip Hop engaged in infringement in this district, Hip Hop resides in this district, and Hip Hop is subject to personal jurisdiction in this district.

### **DEFENDANT**

9. Hip Hop Uncensored, Inc. is a New Jersey business, with its principal place of business at 3121 – D Fire Road, Unit 269, Egg Harbor Township, New Jersey, 08234 and can be

served by serving its Registered Agent, Legalinc Corporate Services, Inc. 265 Hackensack Street Wood Ridge, New Jersey 07075-2206.

**THE COPYRIGHTED WORKS AT ISSUE**

10. The below table details the Copyright Titles, Registration Numbers and Registration Issue Dates of the works of Intellectual Property at issue in this case, one of which is shown below, and which are referred to herein as the “Works.” Copies of the Works are attached hereto as **Exhibit 1**.

<b><u>Title</u></b>	<b><u>Registration Date</u></b>	<b><u>Registration Number</u></b>
AU277257	July 06, 2020	VA 2-212-178
AU11170164	July 15, 2020	VA 2-213-449
AU1399450	June 20, 2014	VA 1-919-549
AU1765803	June 22, 2015	VAu 1-221-541
AU11238202	May 14, 2019	VA 2-158-022
AU2244553	June 12, 2021	VA 2-255-504
AU1895604	December 05, 2020	VA 2-227-855
AU161854	May 31, 2023	VA 2-353-611
AU11084393	October 21, 2020	VA 2-230-940
AU1179968	August 11, 2022	VA 2-315-528
AU11422774	January 26, 2022	VA 2-285-301
AU2158467	March 21, 2018	VA 2-098-099
AU2235159	July 27, 2023	VA 2-359-589
AU235971	January 26, 2022	VA 2-285-301

AU277257 Photograph



11. The Certificates of Registration are attached hereto as **Exhibit 2**.

12. August Image's published the Works by displaying it on the Website at <https://www.augustimage.com/> ("AI Website"). August Image's display of the Works on the AI Website also included copyright management information ("CMI") next to the Works in the form of Photographers names (collectively the "Attributions").

13. At all relevant times August Image was licensed to use the copyrighted Works at issue in this case. Each artist entered a contractual agreement with August Image that assigned all related permissions, releases, assignments, and rights to August Image. These agreements are attached hereto as **Exhibit 3**.

14. August Image's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets. The Works in perspective, orientation, positioning, lighting, and other details are entirely original, distinctive, and unique. As such, the Works qualifies as subject matter protectable under the Copyright Act.

**INFRINGEMENT BY HIP HOP UNCENSORED**

15. Hip Hop has never been licensed to use the Works at issue in this action for any purpose.

16. On a date after the Works at issue in this action were created, but prior to the filing of this action, Hip Hop copied the Works.

17. On or about November 9, 2022, August Image discovered the unauthorized use of its Works on the HH Website. The Works were used on the HH Website multiple times, including being posted as headline photos for articles. Evidence of Hip Hop's copyright infringement of the Works is attached hereto as **Exhibit 4**.

18. Hip Hop copied Plaintiff's copyrighted Works without Plaintiff's permission.

19. After Hip Hop copied the Works, it made further copies and distributed the Works on the internet to promote the sale of goods and services as part of its regular business activities.

20. Hip Hop copied and distributed August Image's copyrighted Works in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

21. August Image never gave Defendant permission or authority to copy, distribute or display the Works at issue in this case.

22. August Image notified Hip Hop of the allegations set forth herein on June 22, 2023, and July 13, 2023. To date, the parties have failed to resolve this matter.

**COUNT I**  
**COPYRIGHT INFRINGEMENT**

23. August Image incorporates the allegations of paragraphs 1 through 22 of this Complaint as if fully set forth herein.

24. August Image has valid licenses in the Works at issue in this case.

25. The Works at issue in this case are registered with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

26. Defendant copied, displayed, and distributed the Works and made derivatives of the Works without August Image's authorization in violation of 17 U.S.C. § 501.

27. Hip Hop performed the acts alleged in the course and scope of its business activities.

28. Defendant's acts were willful.

29. August Image has been damaged by the infringement.

30. The harm caused to August Image is irreparable.

**COUNT II**  
**REMOVAL OF COPYRIGHT MANAGEMENT INFORMATION**

31. August Image incorporates the allegations of paragraphs 1 through 22 of this Complaint as if fully set forth herein.

32. The Works contain copyright management information ("CMI") in the form of the Attributions on the AI Website.

33. Hip Hop knowingly and with the intent to enable, conceal, or facilitate copyright infringement, displayed the Work on the HH Website without any of the Attributions in violation of 17 U.S.C. § 1202(b).

34. Hip Hop distributed the Works to HH Website knowing that the CMI had been removed or altered without authority of the copyright owner or the law.

35. Hip Hop committed these acts knowing or having reasonable grounds to know that it would induce, enable, facilitate or conceal infringement of August Image's rights in the Works.

36. Hip Hop caused, directed and authorized others commit these acts knowing or having reasonable grounds to know that it would induce, enable, facilitate or conceal infringement of August Image's rights in the Works at issue in this action protected under the Copyright Act.

37. August Image has been damaged.

38. The harm caused to August Image has been irreparable.

**COUNT III**  
**ADDITION OF FALSE COPYRIGHT MANAGEMENT INFORMATION**

39. August Image incorporates the allegations of paragraphs 1 through 22 of this Complaint as if fully set forth herein.

40. The Works at issue in this case contain false copyright management information ("CMI").

41. Hip Hop knowingly and with the intent to enable or facilitate copyright infringement, added its CMI, to the Works at issues in this action in violation of 17 U.S.C. § 1202(a) in the form of its logo embedded upon the Works, as shown below:



42. Hip Hop distributed copies of the Works to third parties which included false copyright management information conveyed in connection with the Works.

43. Hip Hop committed these acts knowing or having reasonable grounds to know that it will induce, enable, facilitate, or conceal infringement of August Images' right in the Works at issue in this action under the Copyright Act.

44. Hip Hop applied false CMI upon the Copyrighted Works.

45. After applying the false CMI to the Works, Hip Hop published the Work in violation of 17 U.S.C. § 1202(a).

46. August Image has been damaged.

47. The harm caused to August Image has been irreparable.

WHEREFORE, the Plaintiff AUGUST IMAGE, LLC prays for judgment against the Defendant HIP HOP UNCENSORED, INC. that:



- a. Hip Hop and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501 and 1202;
- b. Hip Hop be required to pay August Image its actual damages and Defendant's profits attributable to the infringement, or, at August Image's election, statutory damages, as provided in 17 U.S.C. §§ 504 and 1203;
- c. August Image be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. August Image be awarded pre- and post-judgment interest; and
- e. August Image be awarded such other and further relief as the Court deems just and proper.

**JURY DEMAND**

August Image hereby demands a trial by jury of all issues so triable.

DATED: November 3, 2023

Respectfully submitted,

/s/Eliezer Lekht

ELIEZER LEKHT

New Jersey Bar Number: 33019-2021

[elekht@tarterkrinsky.com](mailto:elekht@tarterkrinsky.com)

**TARTER, KRINSKY, & DROGIN**

1350 Broadway

New York, NY 10018

212.574.0365 - Telephone

*Counsel for Plaintiff August Image, LLC*